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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/866,893	05/30/97	AMAR	J

JEAN-CLAUDE M AMAR  
109 LINCOLN STREET  
MONTCLAIR NJ 07042

21M1/1112

EXAMINER

DONELS, J

ART UNIT	PAPER NUMBER
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2107

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DATE MAILED: 11/12/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**08/866,893**

Applicant(s)

**Amar**

Examiner

**Jeff Donels**

Group Art Unit

**2107**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-16 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2107

### DETAILED ACTION

An examination of this application reveals that applicant is unfamiliar with patent prosecuting procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

### *Specification*

The specification is objected to as being replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: page 4, line 16, the word "crystal" is misspelled as "cristal;" page 2, line 18, the word "Christmas" is misspelled as "christma." Appropriate correction is required.

If applicant continues to prosecute the application, revision of the specification and claims to present the application in proper form is required. While an application can be amended to make it clearly understandable, no subject matter can be added that was not disclosed in the application as originally filed.

Art Unit: 2107

***Claim Objections***

Claim 5 is objected to because of the following informalities: the word “crystal” is misspelled as “cristal.” Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 fails to point out and distinctly claim Applicant’s invention, as it is not clear as to what “these” in line 4 refers. The terms “extreme left” and “extreme right” in claim 1 are relative terms which renders the claim indefinite. The ‘markers’ are on the “left” and “right” of what? Correction is required.

Claim 1 fails to point out and distinctly claim Applicant’s invention, as the structural relationship between the “musical notation system” and the rest of the claimed subject matter is not clear. Is “the scale bar” of line 7 the same as the “three scale bar ruler” of line 2? Correction is required.

Claim 2 fails to point out and distinctly claim Applicant’s invention, as the claim is directed towards “the system of claim 1,” but claim 1 does not recite a “system.” Correction is required.

Art Unit: 2107

Claims 3-6 fail to point out and distinctly claim Applicant's invention, as the claim is directed towards "an (electro-optical) musical keyboard instruction device ... of claim 2," but claim 1 does not recite an "(electro-optical) musical keyboard instruction device." Correction is required.

Claim 3 fails to point out and distinctly claim Applicant's invention, as the "electrical system" is recited to 'include' several parts, but the structural and functional relationships between these parts is not recited and not clear. Correction is required.

Claim 3 fails to point out and distinctly claim Applicant's invention, as it is not clear as to what "it" refers (page 11, line 4). Correction is required.

Claim 3 fails to point out and distinctly claim Applicant's invention, as it is not clear as to what "their" refers (page 11, line 7). Correction is required.

Claim 3 fails to point out and distinctly claim Applicant's invention, as the phrase "corresponding top plate diagram elements ie: ..." does not clearly point out what these "elements" are. Correction is required.

Claim 3 recites the limitation "the desired musical event" in page 11, line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 fails to point out and distinctly claim Applicant's invention, as the claim recites "indicia of claim 2" (page 11, line 10). It is not clear as to what subject matter is being claimed by this recitation. U.S. practice does not permit subject matter in the body of a claim to be referred to in this manner, by referring to a claim number. Correction is required.

Art Unit: 2107

Claim 6 fails to point out and distinctly claim Applicant's invention, as the claim recites "indicia of claim 2" (line 5). It is not clear as to what subject matter is being claimed by this recitation. U.S. practice does not permit subject matter in the body of a claim to be referred to in this manner, by referring to a claim number. Correction is required.

Claim 7 fails to point out and distinctly claim Applicant's invention, as the claim is directed towards "a method of teaching piano music ..." but there are no method steps recited in the body of the claim. Correction is required.

Claims 10-16 fail to point out and distinctly claim Applicant's invention, as the claim is directed towards "the system described in claim ..." but these parent claims do not recite a "system." Correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Miller.

Miller discloses a sheet of music (Fig. 1) which comprises sets of indicia thereon corresponding to sequences of notes, the indicia comprising two separate parts, one indicating the location of the piano keys to be struck (the lines on the staff correspond to the piano keys), and

Art Unit: 2107

the other (each note) indicating the order ("read downwardly from the top of the staff" - Col. 1, lines 36-37) and duration (each note uses the standard notation for duration) of the notes.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Titus.

Regarding Claim 8, Miller (applied here in a similar manner as to Claim 7 above) does not disclose an electro-optical display device for displaying the music. Titus discloses a method and apparatus for displaying musical notations which comprises a CRT device 31 for displaying a musical staff. It would have been obvious to one of ordinary skill in the art of musical instruments to combine the teachings of Miller with those of Titus, as the standard music notation displayed on the CRT device 31 is functionally equivalent to the music notation of Miller.

The examiner cannot determine the metes and bounds of claims 1-6 and 9-14; therefore, no art can be applied at this time. Applicant should consider the cited art when amending the claims.

Art Unit: 2107

Claims 15 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barra, Fine, Chesters, Leonard, Huiner, and Mencher are further cited to show related teachings in music notation systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Donels whose telephone number is (703) 308-3115. The examiner can normally be reached on Monday - Thursday from 8:30 AM - 6:00 PM. The examiner can also be reached on alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Shoop, can be reached on (703) 308-3103. The fax number for this Group is (703) 305-3431.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1782.



JWD

November 9, 1997



**JEFF DONELS**  
**PATENT EXAMINER**  
**GROUP 2100**